

Message Text

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PAGE 01 MANILA 01013 230806Z

17

ACTION EB-07

INFO OCT-01 EA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

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R 230700Z JAN 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 57

C O N F I D E N T I A L MANILA 1013

E.O. 11652: GDS

TAGS: EAIR, RP

SUBJECT: CIVAIR - PAN AM CARGO PERMIT

REF: (A) STATE 11886; (B) MANILA 472

1. SUBJECT PURSUED IN LIGHT REF A AND OF ARNOLD/MEADOWS TELECON WITH MABILANGAN JAN 21. SPECIAL POINTS MADE OF (JNL NEED FOR PAL TO MAKE DIRECT TO USCAB OR TO U.S. ATTORNEY SAN FRANCISCO ANY OFFER FOR COMPROMISE SETTLEMENT IN SEIZURE CASE; (B) WIDESPREAD BELIEF IN USG THAT IT WOULD NOT, REPEAT NOT BE PROFITABLE TO CONSIDER NEGOTIATIONS RESPECTING NEW RIGHTS WHILE SERIOUS QUESTION OF PHILIPPINE INTENT EXISTED CONCERNING INTERIM AGREEMENT; (C) IMPORTANT FIRST STEP TOWARD RESTORING BASIS FOR ANY FUTURE NEGOTIATION WHICH COULD BE SHOW OF GOOD FAITH IN FORM OF IMMEDIATE REINSTATEMENT OF PAN AM CARGO PERMIT WHILE HEARINGS PENDING IN PHIL CAB. SUGGESTION MADE IN LINE WITH PROPOSAL REF B THAT PERHAPS CONSULTATIONS MIGHT BE IN ORDER REGARDING FURTHER IMPLEMENTATION OF INTERIM AGREEMENT, IN VIEW OF PHIL CAB MOVE TO TERMINATE PAN AM ALL-CARGO RIGHTS UNDER THAT AGREEMENT.

2. WITH A LITTLE COAXING, MABILANGAN TOOK ALL POINTS ON BOARD, PARTICULARLY THE UNSPOKEN SUGGESTION THAT DC-10 OPERATIONS MIGHT BE UP FOR REVIEW. HE INQUIRED MORE CLOSELY THAN USUAL INTO THE HISTORY OF THE PAN AM CARGO

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PAGE 02 MANILA 01013 230806Z

SERVICE AND SEEMED PREPARED TO ACCEPT POINT THAT ADMIRAL

SHELTON LETTER, WHILE PERFECTLY CORRECT ON QUESTION RAISED BY GENERAL ESPINO REGARDING REFUELING, HAS NO REPEAT NO BEARING WHATSOEVER ON VALIDITY OF PAN AM PERMIT.

3. FOLLOWING A LENGTHY EXCHANGE ON THE HISTORY OF PAN AM'S PERMIT, MABILANGAN SAID THAT QUOTE WHILE NOT CONCEDING THAT WE MAY HAVE VIOLATED THE INTERIM AGREEMENT, UNQUOTE HE WAS PREPARED TO EXPLORE WAYS IN WHICH PAN AM PERMIT MIGHT BE RESTORED. HE SEEMED PARTICULARLY INTERESTED IN WHETHER PAL CARGO OPTION COULD BE EXERCISED IF PAN AM RIGHTS HAD NOT BEEN RESTORED AND WAS INFORMED, AS A PERSONAL GUESS, THAT THE CHANCES OF ANY AUTOMATIC EXERCISE OF THE PAL OPTION APPEARED PRETTY REMOTE. ASKING HOW THAT WOULD STAND IF PAN AM RIGHTS RESTORED, MABILANGAN WAS INFORMED THAT USG INTENDED FULLY TO MEET ITS COMMITMENTS UNDER THE AGREEMENT, IF THE AGREEMENT WERE OTHERWISE IN FORCE. HE REPEATED THAT HE WOULD LOOK INTO POSSIBILITIES FOR RESTORING PERMIT AND WOULD BE IN TOUCH WITHIN A FEW DAYS.

4. COMMENT. EMBASSY ENCOURAGED BY PROGRESS WITH MABILANGAN ON NATURE OF PAN AM CARGO SERVICE AND BY HIS EVIDENT REGISTERING WITHOUT ANY SPELLING OUT OF POSSIBILITY THAT PAL DC-10 FLIGHTS COULD BE CALLED INTO QUESTION. WHILE HE COULD RUN AGROUND EITHER WITH PAL OR UP THE LINE, HE APPEARS NOW HEADED FOR THE FIRST TIME IN A CONSTRUCTIVE DIRECTION.
SULLIVAN

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